



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1250

employers; vaccines; religious exemption

Purpose

Requires employers to allow employees that complete a religious exemption form to opt out of vaccination requirements for COVID-19, influenza A, influenza B, flu or any vaccine authorized by the U.S. Food and Drug Administration (FDA) for emergency use only. Prohibits employers from discriminating against an employee regarding employment, wages or benefits based on vaccination status and from inquiring into the veracity of an employee's religious beliefs, practices or observances. Allows a terminated employee of a health care institution that did not offer or denied a vaccination religious exemption to file a complaint with the Attorney General (AG).

Background

Employers that receive notice from an employee that taking the COVID-19 vaccination conflicts with a sincerely held religious belief, practice or observance must provide the employee a reasonable accommodation, unless the accommodation would pose an undue hardship and more than de minimus cost to the employer ([A.R.S. § 23-206](#)).

Current statute requires the Department of Health Services (DHS) to license and oversee all health care institutions in Arizona, including enforcing health care institution statutes, rules and regulations. DHS must: 1) review and approve plans and specifications for institution construction or modification; 2) have access to books, records, accounts and any other necessary health care institution information; and 3) require nursing care institutions and assisted living facilities to provide annual influenza and pneumonia vaccines to residents. Additionally, DHS may: 1) inspect every part of a health care institution to ensure compliance with standard medical practice; 2) conduct investigations of health care institution conditions and problems with noncompliance; and 3) develop facility manuals and guides to health care institutions and the general public ([A.R.S. § 36-406](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Employer Vaccination Religious Exemption

1. Requires employers to allow employees that complete a religious exemption form to opt out of vaccination requirements for COVID-19, influenza A, influenza B, flu or any vaccine authorized by the FDA for emergency use only.

2. Prohibits employers from:
 - a) inquiring into the veracity of an employee's religious beliefs, practices or observances to the extent beyond what is allowed under federal law; and
 - b) discriminating against an employee regarding employment, wages or benefits based on vaccination status.
3. Removes the employer exception to the religious vaccination exemption requirement for cases in which providing a reasonable accommodation would cause more than a de minimus cost to the employer.
4. Outlines minimum requirements of an employer's vaccination religious exemption form.
5. Requires employers to keep religious exemption claims confidential within the organization, except to the extent necessary to process the exemption, accommodation or other operational necessity.
6. Allows an employer to create a database of religious exemption requests only for internal use, unless otherwise required by law.

Complaints and Violations

7. Allows a terminated employee who was not offered or was denied a vaccination religious exemption by their employer to file a complaint with the AG.
8. Stipulates that employers are only required to apply religious vaccination exemptions to the extent required under federal law.
9. Requires the AG to investigate all complaints relating to vaccination religious exemptions.
10. Requires AG investigations of religious exemption complaints to determine whether:
 - a) the employer imposed a vaccine mandate;
 - b) the employee was offered and submitted a proper exemption statement; and
 - c) the employee was terminated as a result of the employer's failure to allow a religious exemption.
11. Requires the AG to notify employers that violate vaccination religious exemption requirements of their violation and provide the employer the opportunity to correct the noncompliance within 10 days.
12. Directs the AG to assess a civil penalty of \$5,000 on any employer that does not correct noncompliance with vaccination religious exemption requirements within 10 days.

Miscellaneous

13. Defines *COVID-19* and *sincerely held religious beliefs, practices or observances*.
14. Makes a conforming change.
15. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Applies the exemption requirements to any vaccination authorized, rather than approved, by the FDA for emergency use only.
2. Allows an employer to create a database of religious exemption requests only for internal use.
3. Applies the complaint and investigation process for failing to offer a vaccination religious exemption to all employers, rather than only health care institutions.
4. Removes the applicability of the complaint process to individuals who were not terminated but experienced the functional equivalent of being terminated.

Amendments Adopted by Committee of the Whole

1. Removes the employer exception to the religious vaccination exemption requirement for cases in which providing a reasonable accommodation would cause more than a de minimus cost to the employer.
2. Requires an employer to allow an employee to request, rather than claim, a religious vaccination exemption.
3. Removes the requirement that employers use a prescribed exemption form and instead requires each employer's exemption form to include outlined information.
4. Expands and modifies the information required to be included on a religious vaccination exemption form.
5. Prohibits employers from inquiring into an employee's religious beliefs, practices or observances only to the extent beyond what is allowed under federal law.
6. Applies the religious vaccination exemption requirements to religious practices and observances.
7. Requires employers to keep the contents of a religious exemption request confidential, rather than in strict confidence, and states employers may not share the contents within the organization except to the extent necessary to process the exemption, accommodation or other operational necessity.
8. Specifies that employers are prohibited from sharing religious exemption requests outside of the organization only if not otherwise required by law.
9. Makes technical and conforming changes.

Senate Action

HHS 2/7/23 DPA 4-3-0

Prepared by Senate Research

February 8, 2023

MM/slp